

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

STEVEN W. KRAFCHICK,
Petitioner/Plaintiff,

Vs.

THOMAS L. CARROLL (Warden),
Respondent/Defendant.

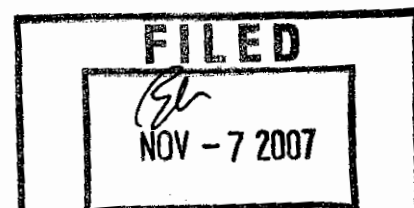
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Civil Action No. 07-284-GMS

MOTION FOR APPOINTMENT OF COUNSEL

Plaintiff Steven W. Krafchick pursuant to 28 U.S.C. § 1915, request this court to appoint counsel to represent petitioner/plaintiff in the above-entitled action for the following reasons:

1. The plaintiff is unable to afford an attorney.
2. The issues rose in the petition under 28 § 2254 are complex in their very nature, and deal with issues that the petitioner is unable to develop without the assistance of counsel in plaintiff's present state of confinement.
3. Due to the type of investigation that is required to develop the plaintiff's allegations, the appointment of counsel would be the appropriate course of action by the court, and would not hamper the petitioner's presentation of the alleged allegations by the exclusion of petitioner's supportive evidence.
4. The plaintiff's allegations, if proven, clearly would establish a constitutional violation had taken place, and the harmless error standard under federal law would not apply to those issues.

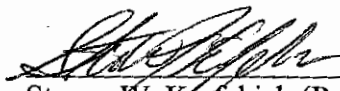


5. The plaintiff is unlearned in civil law, and the appointment of counsel would serve the interest of justice, as it would help expedite the overall proceedings and matters in this case.
6. In deciding whether to appoint counsel for an indigent litigant, the court should consider "the factual complexity of the case, the ability of the petitioner to investigate and to obtain documentation in the control of the State and/or their agents and to present all the facts of support." Conflicting testimony from the State, and/or their agents over factual claims of incompetence to stand trial or to assist counsel, which is one of the petitioner claims.
7. The petitioner's ability to present complex legal claims with support of legal presidents.
8. In addition, courts have suggested that the most compelling factor is whether the case appears to have merit.

The petitioner acknowledges that the likelihood of this court appointing counsel to represent the plaintiff is very unlikely; however, the petitioner prays that this court will appoint counsel so that it may help the petitioner prove his claims in this particular case.

For the forgoing reasons, the court should grant the plaintiff's motion and appoint counsel in this case.

Dated: November 5, 2007


Steven W. Krafchick (Pro-se)
Delaware Correction Center
1181 Paddock Road
Smyrna, DE 19977

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

Steven W. Krafchick,
Plaintiff,

v.

Thomas L. Carroll (Warden),
Defendant.

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Civil Action No.

ORDER

IT IS HEREBY ORDERED, THIS _____ DAY OF _____, 20____, THAT THE
ATTACHED MOTION FOR APPOINTMENT OF COUNSEL HAS BEEN READ AND CONSIDERED. IT IS
ORDERED THAT THE MOTION IS HEREBY _____.

United States District
Judge

CERTIFICATE OF SERVICE

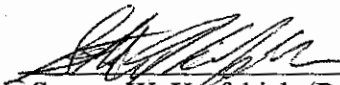
I, Steven W. Krafchick, hereby certify that I have served a true and correct copy (ies) of the attached **Motion for Appointment of Counsel** upon the following parties/person:

To: Office of the Clerk
United States District Court
844 N. King Street, Lockbox 18
Wilmington, Delaware 19801-3570

To: Elizabeth R. McFarlan
Deputy Attorney General
820 N. French Street
Wilmington, Delaware 19801
Del. Bar. ID No. 3759

BY PLACING SAME IN A SEALED ENVELOPE, and depositing same in the United States Mail located at the Delaware Correctional Center, 1181 Paddock Road, Smyrna, DE 19977.

On this 5th day of the month November, 2007



Steven W. Krafchick (Pro-se)
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977